



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/679,353      | 10/05/2000  | Wayne Ernest Conrad  | 5562-966/PMdC       | 8049             |

1059 7590 12/06/2001

BERESKIN AND PARR  
SCOTIA PLAZA  
40 KING STREET WEST-SUITE 4000 BOX 401  
TORONTO, ON M5H 3Y2  
CANADA

EXAMINER

SNIDER, THERESA T

ART UNIT PAPER NUMBER

1744

DATE MAILED: 12/06/2001

7

Please find below and/or attached an Office communication concerning this application or proceeding.

MF-7

**Office Action Summary**

Application No.

09/679,353

Applicant(s)

CONRAD ET AL.

Examiner

Theresa T. Snider

Art Unit

1744

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 September 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 31-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Priority*

- ✓ 1. This application filed under former 37 CFR 1.60 lacks the necessary reference to the prior application. A statement should be inserted providing the priority of the parent application, 09/239,860, to the grandparent application, 09/227,534 following the title of the invention or as the first sentence of the specification. Also, the current status of all nonprovisional parent applications referenced should be included.

### *Information Disclosure Statement*

- ✓ 2. The information disclosure statement filed 1/22/2001 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file and considered using the references from the parent application HOWEVER the application needs to have its own copies.

### *Specification*

- ✓ 3. The disclosure is objected to because of the following informalities:

Exemplary of such:

The abstract should be amended to reflect the presently claimed invention.

Appropriate correction is required.

Art Unit: 1744

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: it is unclear as to where in the specification is located support for a second collection chamber that is parallel to a first dirt collection chamber (claims 35-44).

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 35-44 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It is unclear as to where in the specification is support for a second collection chamber that is parallel to a first dirt collection chamber (claims 35-44).

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 31-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Exemplary of such:

✓ Claims 31 and 40, line 1 recite a 'vacuum cleaner' however fail to disclose a suction source.

Art Unit: 1744

✓ Claim 31, line 3, 'body' should be inserted after 'upper'(second occurrence);

✓ line 6, 'cleaning' should be inserted after 'cyclonic';

→ 'vacuum cleaner' should be replaced with an element which is claimed to make define the cleaner (i.e. cleaning head).

✓ Claim 39, line 1, 'upright' should be inserted after 'The'.

→ Claim 40, line 3, 'body' should be inserted after 'upper'(second occurrence);

✓ Line 6, 'cleaning' should be inserted after 'cyclonic';

→ 'vacuum cleaner' should be replaced with an element which is claimed to make define the cleaner (i.e. cleaning head).

### *Claim Rejections - 35 USC § 102*

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Art Unit: 1744

10. Claims 31-35, 37 and 39 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Davis.

Davis discloses an upper body portion mounted on a cleaning head for cleaning a surface (col. 2, lines 23-25).

Davis discloses the upper body portion having a cyclonic cleaning unit with first and second cyclonic cleaning stages (col. 2, lines 1-2).

Davis discloses the cyclonic unit being removable from the unit (col. 4, lines 11-22).

With respect to claim 32, Davis discloses the second cleaning stage positioned downstream from the first cleaning stage (col. 3, lines 60-65).

With respect to claim 33, Davis discloses the second cleaning stage including a plurality of cyclones in parallel (fig. 2, #52-59, col. 3, lines 71-75).

With respect to claim 34, Davis discloses the first cleaning stage including a single cyclone (fig. 2, #24).

With respect to claims 35 and 37, Davis discloses the first cleaning stage having a first collection container and the second cleaning stage having a second collection chamber, the containers being parallel to each other (fig. 2, # 31,19).

With respect to claim 39, Davis discloses the second cleaning stage positioned above the first cleaning stage (fig. 2, #12,11).

11. Claims 31-32 and 37 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Dyson('228).

Art Unit: 1744

Dyson('228)discloses an upper body portion mounted on a cleaning head for cleaning a surface (fig. 2, #10,17).

Dyson('228) discloses the upper body portion having a cyclonic cleaning unit with first and second cyclonic cleaning stages (col. 2, lines 63-66).

Dyson('228) discloses the cyclonic unit being removable from the unit (col. 3, lines 49-51 and 60).

With respect to claim 32, Dyson('228) discloses the second cleaning stage positioned downstream from the first cleaning stage (col. 3, line 38).

With respect to claims 35, Dyson('228) discloses the first cleaning stage having a first collection container and the second cleaning stage having a second collection chamber, the containers being parallel to each other (fig. 3A, # 32,36).

12. Claims 31-32 and 39 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Dyson('429).

Dyson('429) discloses a cleaning head (fig. 1, #2).

Dyson('429) discloses an upper body mounted on the cleaning head, the body having a removable cyclonic cleaning unit with a first and second cyclonic stage (col. 3, lines 43-60 and col. 4, lines 27-29).

With respect to claim 32, Dyson ('429) discloses the second cyclonic stage downstream from the first (col. 4, lines 1-5).

With respect to claim 39, Dyson('429) discloses the second stage positioned above the first stage (fig. 2, #12,15).

Art Unit: 1744

13. Claims 21-32 and 35 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Dyson('515).

Dyson('515) discloses a cleaning head (col. 4, lines 62-65 and col. 6, lines 57-58).

Dyson('515) discloses an upper body mounted on the cleaning head, the body having a removable cyclonic cleaning unit with a first and second cyclonic stage (col. 2, lines 51-52 and col. 8, lines 17-17-19).

With respect to claim 32, Dyson ('515) discloses the second cyclonic stage downstream from the first (col. 7, lines 62-col. 8, line 2).

With respect to claim 35, Dyson('515) discloses the two stages having dirt collection chambers that are parallel to each other (fig. 5, A,B).

With respect to claim 39, Dyson('515) discloses the second stage positioned above the first stage (fig. 5, #81,80).

14. Claims 31-32, 35-36 and 39 are rejected under 35 U.S.C. 102(a,e) as being clearly anticipated by Fumagalli.

Fumagalli discloses a cleaning head (col. 3, line 57).

Fumagalli discloses an upper body mounted on the cleaning head, the body having a removable cyclonic cleaning unit with a first and second cyclonic stage (col. 4, lines 5-6 and col. 5, lines 23-26).

With respect to claim 32, Fumagalli discloses the second cyclonic stage downstream from the first (col. 5, lines 23-25).



Art Unit: 1744

With respect to claim 35, Fumagalli discloses the two stages having dirt collection chambers that are parallel to each other (fig. 3, #39,40).

With respect to claim 36, Fumagalli discloses the two stages having dirt collection chambers that have bottoms which lie in a common plane (fig. 3, #39,40,37).

With respect to claim 39, Fumagalli discloses the second stage positioned above the first stage (fig. 2, #1,17).

*Allowable Subject Matter*

15. Claims 38 and 41-44 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

16. Claim 40 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

17. The following is a statement of reasons for the indication of allowable subject matter: the prior art discloses vacuum cleaners having an upper portion containing cyclonic cleaning units with a first and second cyclonic cleaning unit, each having their own dirt collection container, which are parallel to each other however fails to disclose a vacuum cleaner having an upper portion containing a cyclonic cleaning unit with a first and second cyclonic cleaning stage, the second stage having a plurality of cyclones, and each stage having their own dirt collection container, wherein bottoms of the containers lie in a common plane.

***Response to Arguments***

18. Applicant's arguments with respect to claims 31-44 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (703) 305-0554. The examiner can normally be reached on Monday-Wednesday (6:30AM-3:00PM).

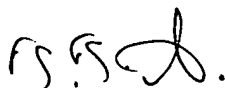
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (703) 308-2920. The fax phone numbers for the

Art Unit: 1744

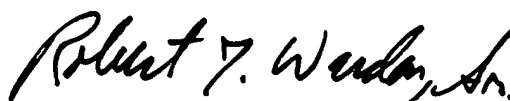
organization where this application or proceeding is assigned are (703) 305-7718 for regular communications and (703) 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Theresa T. Snider  
Examiner  
Art Unit 1744



TTS  
December 3, 2001



ROBERT J. WARDEN, SR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER (TCO)